

REMARKS

This is a response to the restriction requirement in the Office Action dated October 31, 2003.

I. Provisional Election

Applicants provisionally elect method claims 5, 6 and 11 to 13 (Group I) for further prosecution in the above-identified U.S. Patent Application.

II. Traversal of Restriction Requirement

The above-identified U.S. Patent Application is the U.S. National Stage application corresponding to PCT/EP 01/03605.

Since this is a U.S. National Stage application, the so-called "unity of invention" practice applies here. PCT Rule 13.2 determines whether or not the claims have unity of invention. According to PCT Rule 13.2 "unity of invention" exists between the claimed invention only when there is a common technical relationship among the claimed inventions involving one or more special technical features. Specific examples of "unity of invention" are described in ANNEX B of the "Administrative Instructions under the PCT" (M.P.E.P. Appendix AI).

The common special technical features in the case of the main independent method claim 5 and the main independent kit claim 7 are the "at

least one physiologically compatible salt" and the "at least one anionic, direct dye". In the method they are used separately one after the other, the salt being applied as a pre-treatment and the anionic direct dye, as a dyeing agent. The kit includes two separate components, one including the salt, the other including the anionic direct dye. Thus the kit is a "means" for performing the claimed method, or at least an assisting device for performing the claimed method.

This situation corresponds to example 2 in Part 2 of ANNEX B, in which a claimed apparatus designed to carry out part of a process or method is found to have unity of invention with the claimed process. Also see Part 1 of ANNEX B, (e) (ii) where it states that claims for a process and a means specifically designed for carrying out the process have unity of invention.

The claimed kit of claim 7 is specifically designed for carrying out the method claimed in method claim 5. The common special technical feature in both claims is the combination of the "at least one physiologically compatible salt" and the "at least one anionic, direct dye".

For the foregoing reasons withdrawal of the requirement to restriction prosecution in the above-identified U.S. Patent Application to either the Group I claims (method claims 5,6 and 11 to 13) or the Group II claims (kit claims 7, 10 and 14 to 15) is respectfully requested.

The prosecution of all pending claims 5 to 15 in the above-identified U.S. Patent Application is respectfully requested.

III. Claim Wording Changes

Claims 5 to 15 have been amended to eliminate claim wording that might lead to a rejection for indefiniteness.

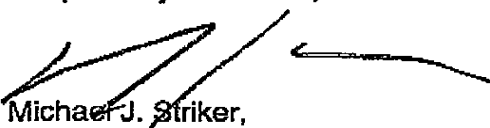
Particularly dependent claims 6 used the term "the hair" without antecedent basis. Claim 5 claims a method of dyeing keratinic fibers, not just hair. Claim 6 now includes the statement that the "keratinic fibers are hair", thus providing antecedent basis for the term "the hair".

Most of the changes were made in claims 5 and 6 and are designed to provide a somewhat clearer more definite claim wording.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549 4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



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